

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION**

**STATE OF INDIANA and CITY OF
EAST CHICAGO,**

Plaintiffs,

v.

ROBERT A. PASTRICK, et. al.,

Defendants.

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3:04-CV-506 AS

ORDER ADOPTING REPORT AND RECOMMENDATION

On June 19, 2006, Magistrate Judge Christopher A. Nuechterlein entered a Report and Recommendation (Docket No. 362) which contained a detailed explanation of his recommendations. The parties were given until June 30, 2006 to file objections to the Report and Recommendation and were notified that failure to file objections within the specified time would constitute a waiver of their right to appeal the district court's order. No objections have been filed in this matter. Upon review, the Court **ADOPTS** the Report and Recommendation (Docket No. 362). The Defendants' motions for summary judgment (Docket Nos. 321, 323, 325, 328, 333, and 337) are **DENIED**. Plaintiffs' motion to dismiss (Docket No. 292) is **DENIED IN PART AS MOOT** as it relates to Reith-Riley and is **DENIED IN PART** as it relates to Raykovich, Pastrick, Weems, and Miskowski. Defendants Raykovich, Pastrick, Weems, and Miskowski's counterclaims on the issue of indemnity are **STAYED** until resolution of the underlying liability, and the remainder of Defendants' counterclaims shall proceed.

SO ORDERED.

DATED: July 21, 2006

**S/ ALLEN SHARP
ALLEN SHARP, JUDGE
UNITED STATES DISTRICT COURT**